

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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ENHANCE, INC., et. al.,

Plaintiffs,

v.

Case No. 16-11854

RICK SNYDER, et al.,

Defendants.

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**ORDER DENYING WITHOUT PREJUDICE PENDING MOTION TO DISMISS AND  
STAYING DISTRICT COURT PROCEEDINGS**

Plaintiffs bring a challenge to Michigan's Adult Foster Care Facility Licensing Act, Mich. Comp. Laws §400.701 ("AFCFLA") and, specifically, challenge Defendants' enforcement of the AFCFLA's definition of "foster care" which is "the provision of supervision, personal care, and protection, in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation." M.C.L. §400.704(7). Plaintiffs contend that Defendants enforcement of the AFCFLA violates various federal statutes and Constitutional provisions. The parties have jointly requested a stay of this action, and the court conducted a telephone conference on the matter. The parties explained that Michigan is considering legislation which, if passed, could have a substantial impact on the allegations in this action. The court agrees that a stay would conserve the parties' (and the court's) resources until a better understanding of the possible legislation emerges. In the meantime, the court will deny the pending motion to dismiss without prejudice to the right of Defendants to reassert

the motion, if necessary, at a later date. The court will ask for periodic updates from the parties on the status of the legislation, starting with a telephone conference in February 2017. Accordingly,

IT IS ORDERED that this court's proceedings are STAYED pending further order of the court. For docket clarity, the pending motion to dismiss (Dkt. # 13) is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the parties will participate in a telephone conference on **February 16, 2017, at 10:00 a.m. The court will initiate the call.**

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: December 9, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 9, 2016, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522